

REMARKS

Claims 1-34 were pending prior to entry of the present Amendment. Claims 1, 3, 15, 17-19, 21, 25, 26, 28, 31, 32, and 34 have been amended and claims 2, 16, and 27 have been cancelled without prejudice. Accordingly, 31 claims remain pending.

Examiner has rejected claim 25 under 35 U.S.C. § 112, second paragraph, as being indefinite. An acronym, APN, has been expressed in the claim without further information. Applicant has corrected the claim, using all of the words of the well-known acronym in the GPRS radio service, "Access Point Name".

Examiner has rejected claims 1, 2, 12, 13, 15, and 27-30 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. EP 0781064 by Jorma Seppanen, et al. ("Seppanen"). Seppanen is directed to mobile terminals capable of operation with a cellular radiotelephone network employing, for example, a network employing TDMA technology. Seppanen recognizes that there are public and non-public cellular systems operating in different frequency bands. With regard to the Seppanen: "[I]t has become important to provide a simple and efficient user interface enabling a user to manage, prioritize, and select between available systems." Col. 3, lines 55-58. A prioritized list of networks is stored at the mobile station and the mobile station has the capability of displaying a list of services that are supported by at least some of the networks in the list. This list may be updated. See col. 4, lines 38-51. One of the services disclosed by Seppanen is a data service which may be selected by the user from a display of available

networks offering such a service. See col. 6, lines 16-27. The mobile unit memory stores information concerning each network in a data block, which can include the network's service list. The data blocks are initially programmed when the NAM is established and "...may be reprogrammed as a result of test registrations performed by the mobile station 10 as described...when searching for new networks." Col. 14, lines 29-31. The user initiates a search for new networks when the user wants to determine whether more services are available in networks that are unfamiliar to the mobile station. See col. 11, lines 36-50 and col. 10, lines 38-47.

Applicants have amended claim 1 to more completely encompass Applicants' invention. In particular, Applicants have identified a central database which is a repository of database values relating to the network portions. The mobile node storage element is initially provisioned with at least an abridged copy of the values stored in the central database. As originally stated in paragraph [0047] of Applicants' specification. Seppanen does not explicitly disclose such a central database or its availability to provision the mobile node with at least an abridged copy of the values stored therein. Further, Applicants have claimed that the mobile node receives a message from a second network portion that identifies values associated with that second network portion, alters values stored in the mobile storage element, and conveys the altered values to the central database. See Applicants' paragraph [0048] for support. Seppanen does not disclose such apparatus keeping the central database updated with network portion values in use by a mobile node.

The hallmark of anticipation is a finding of prior invention. Accordingly, the standard of rejection for §102 anticipation requires that the single reference must teach every aspect of the claimed invention either explicitly or impliedly. And, a prior art reference must teach those aspects in the same arrangement as found in the claim. See MPEP §706.02. As now claimed, Applicants' invention includes elements that are neither disclosed nor implied by Seppanen. Therefore the §102 rejection fails and the amended claim 1 is now believed to be allowable over the art. Likewise, claims 2, 12, and 13, dependent upon claim 1 are believed allowable as based upon an allowable independent claim. Further, independent method claim 15, as amended, is believed allowable over Seppanen for the reasons presented above.

Examiner has rejected claims 3-11, 14, 16-26, and 31-34 under 35 U.S.C. §103(a) as being unpatentable over Seppanen in view of published U.S. Patent Application No. 2003/0186695 by Bridges et al. ("Bridges"). With regard to claims 32-34, Examiner has determined that Bridges does not disclose "selecting a radio access network from the available radio access networks for packet data communication based upon the listing formed of the database defined during said operation of storing and altering". Examiner has introduced the combination of Seppanen and Bridges, one providing missing elements of the other for combination according to known methods to yield predictable results – Applicants' claimed invention. Applicants respectfully disagree.

Bridges is directed to cellular radiotelephone, Personal Communications Services (PCS), and the like, in which intelligent roaming and over-the-air programming are available to the mobile stations. The mobile station may include a memory device (paragraph [0013]) and can offer subscription services such as text messaging (paragraph [0017]). An expressed feature of the Bridges invention is "to provide over-the-air programming of a mobile station to permit reprogramming of the mobile station with new intelligent roaming information as it becomes available. Such a feature would permit the 'intelligence' that is incorporated into the mobile station to be updated and stored with ease, without requiring the user to bring the mobile station to a technician or operator for reprogramming." Paragraph [0021]. A database located at the network side, e.g. 100, where exists a list of "preferred wireless carrier identities based upon the plurality of wireless carriers' ... services...The generator may then update the list of preferred wireless carrier identities when one of the plurality of wireless carriers changes a communication characteristic (such as ... services the wireless carrier offers to market areas) for one of the plurality of market areas. The data-providing device provides the updated list of preferred wireless carrier identities to all mobile stations previously provided with the list the generator updated." Paragraph [0026], emphasis added. "In the reprogramming scenario, the PSL/IRDB will be downloaded with other OTAF information similar to that for new activations. In other words, upon reprogramming, if the National Account (NA), COS, MIN and/or any other parameters change, each changed parameter is reprogrammed or downloaded into the mobile station 68 along with the new PSL/IRDB. If none of the

parameters have changed, only the updated PSL/IRDB is downloaded to the mobile station 68." Paragraph [0078]. Thus, Bridges' over-the-air programming is accomplished by download from a network database to the mobile station.

Applicants have amended claims 32 and 34 to more clearly define the present invention. As described above, Applicants have identified a central database in the network part that stores values relating to the network parts in a first database. The mobile node detects messages from radio access networks when the mobile node is not a party to a communications session and can alter the indication of network capability in the listing in the second database of the mobile node. See Applicants' specification, paragraph [0042]. Further, Applicants have claimed, as stated in claims 32 and 34, that the mobile node alters values stored in the mobile node listing in the second database, and conveys the altered values to the central database. Neither Seppanen nor Bridges discloses such an apparatus or method that, in short, keeps the central database updated with radio access network values in use by a mobile node, as now claimed. Therefore neither Seppanen nor Bridges, taken alone or in combination, discloses all of Applicants' claimed elements; thus, an obviousness rejection fails. Claim 33, dependent upon a presumably allowable independent claim 32 is, itself, presumed allowable.

Independent claims 21 and 26 have been amended to include the elements not taught by Seppanen and/or Bridges, as described above, and are now believed allowable.

Dependent claims 3-11, 14, 16-20, 22-25, 31, and 33 are dependent upon a presumed allowable independent claim and are therefore presumed allowable.

Applicants now believe the present Application, as amended, is in a condition suitable for allowance. Applicants respectfully urge Examiner to withdraw the rejections, reconsider the present Application in light of the foregoing amendment and remarks, and pass the present Application to allowance.

Respectfully submitted,

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